

**APR 10 2006**

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HOUMAN BACKZADEH  
MOGHADDAM,

Defendant - Appellant.

No. 02-50580

D.C. No. CR-00-00162-AHS(1)

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Alicemarie H. Stotler, District Judge, Presiding

Submitted April 5, 2006\*\*

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

Houman Backzadeh Moghaddam appeals from his guilty-plea conviction and 38-month sentence imposed for wire and mail fraud, in violation of 18 U.S.C. §§ 1341, 1343, 2, and 2326.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Moghaddam has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. Moghaddam has filed a pro se supplemental brief. The government has filed an answering brief.

Because our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 82-83 (1988), indicates that Moghaddam knowingly and voluntarily waived his right to appeal and was sentenced within the terms of the plea agreement, we enforce the waiver and dismiss the appeal. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (stating that an appeal waiver is valid when it is entered knowingly and voluntarily); *see also United States v. Cardenas*, 405 F.3d 1046, 1048 (9th Cir. 2005) (noting that the changes in sentencing law imposed by *United States v. Booker*, 543 U.S. 220 (2005), did not render waiver of appeal involuntary and unknowing).

Counsel's motion to withdraw is **GRANTED**, and the appeal is **DISMISSED**.